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Hot Topic: Public Chapter No. 425 and Its Effects on Unmanned Traffic Enforcement Cameras

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July 20, 2011

**PUBLIC CHAPTER NO. 425 AND ITS EFFECTS
ON UNMANNED TRAFFIC ENFORCEMENT CAMERAS**

Josh Jones, Legal Consultant

Municipal authority to own, install and operate traffic surveillance cameras was hotly contested during the 2011 Tennessee General Assembly. Throughout the course of the session, no less than a score of bills were introduced diminishing, some completely removing, the ability of a city to employ an effective method of accident prevention at intersections. The one bill to emerge from the discussions and eventually pass was Public Chapter No. 425 (HB1500/SB1684) that makes significant changes to the traffic enforcement camera landscape.

Foremost among these changes is the requirement that a municipality conduct a traffic engineering study prior to the installation of a new unmanned traffic enforcement camera. Such a study must be completed in accordance with the standard engineering practices of the Institute of Transportation Engineers (ITE) and certified by a licensed engineer specializing in traffic engineering. A traffic camera vendor is prohibited from conducting the study or even participating in the selection of the engineer.

Also present in the legislation are the hurdles it places on municipalities to ticket vehicles turning right (and left onto a one-way) at red lights. Now to ticket a vehicle, solely using unmanned camera evidence, for failure to come to a complete stop before turning at a red light the evidence must

clearly show the vehicle with a front tire before the stop line when the signal is red and subsequently show the same vehicle with a rear tire past the stop line while the signal is red. Furthermore, to ticket a vehicle, using solely unmanned camera evidence, for making an unlawful right turn on red, a clearly marked "No Turn on Red" sign must be in place.

With respect to speed cameras, the legislation prohibits any unmanned camera within one mile of a reduction of the speed limit of 10 or more miles per hour. This provision does not however apply to reductions in and around school zones. All cameras, whether monitoring for speed or other violations, must now be preceded by signage 500 to 1,000 feet in advance.

The bill also changes the procedures for noticing and fining alleged violators. Now a POST-certified officer must review the evidence, and if a violation is determined, a notice of such must be sent to the alleged violator within 20 days of the occurrence of violation. This notice must state the amount of the fine, which cannot exceed \$50, and also state any additional fees or costs that could result from a failure to pay or from being found guilty after contesting the violation. Violators still have 30 days from the mailing date to pay a citation. Now, however, additional fines and costs can be assessed after this period lapses.

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Despite the fact that these provisions will impact current contracts, it seems clear that all provisions of the bill will be enforceable on and after the July 1, 2011, effective date. Should you have any questions, contact your MTAS management consultant.

Text of Public Chapter No. 425 can be found at <http://www.tn.gov/sos/acts/107/pub/pc0425.pdf>.

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